

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN MARLOWE,

Petitioner,

v.

JENNIFER BOWSER, et al.,

Respondents.

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Civil Action No. 3:15-CV-2309

(Judge Kosik)

ORDER

AND NOW, THIS 7th DAY OF JANUARY, 2016, IT APPEARING TO THE COURT
THAT:

[1] Petitioner, Kevin Marlowe, a federal prisoner housed in a half-way house, the Capitol Pavilion, filed *pro se*, the instant petition on December 1, 2015 (Doc. 1), challenging disciplinary proceedings conducted by Capitol Pavilion;

[2] The action was referred to Magistrate Judge Martin C. Carlson;

[3] On December 11, 2015, the Magistrate Judge directed Respondents to respond to the petition (Doc. 5);

[4] While awaiting a response, Petitioner filed a pleading (Doc. 7), which stated that the Petitioner was being released and recommended closing the case on December 23, 2015, or thereafter, because the case would be moot;

[5] On December 16, 2015, the Magistrate Judge issued a Report and Recommendation (Doc. 8), recommending that Marlowe's petition be dismissed as moot in light of Marlowe's

pleading;

[6] Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[7] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[8] We have considered the Magistrate Judge's report and we concur with his recommendation. We agree with the Magistrate Judge and the Petitioner, that the petition would be considered moot upon Petitioner's release, on December 23, 2015.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated December 16, 2015 (Doc. 8) is **ADOPTED**;

[2] Marlowe's Petition (Doc. 1) is **DISMISSED**; and

[3] The Clerk of Court is directed to **CLOSE** this case and **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge